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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,072	11/13/2001	Steven C. Halper	42666/28972	7208
27614 7590 11/01/2007 MCCARTER & ENGLISH, LLP FOUR GATEWAY CENTER 100 MULBERRY STREET NEWARK, NJ 07102			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,072	<b>Applicant(s)</b> HALPER ET AL.	
	<b>Examiner</b> Kirsten S. Apple	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

This action is in response to the applicants RCE filed on 8/22/07.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 29-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular it is indefinite and the examiner did not understand:

“predatory lending laws”

It is unclear to the examiner and one of ordinary skill in the art what is claim by this description. Laws are constantly changing and what might be within variance today may not be within variance tomorrow. A similar 112 rejection would hold for an IEEE standard or the like.

Corrective action is required.

### ***Claim Rejections - 35 USC § 102***

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 29-36 under 35 USC 102.

The Applicant attention is re-drawn to the following:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Broadbent (US Patent 6,985,886).

**Re claim 29:** Broadbent discloses:

*A computer-readable medium, steps of:*

*Receiving information pertaining to the one or more loans (see Broadbent, figure 2, item 226)*

*Storing general loan information (see Broadbent, figure 2, item 223)*

*Comparing the information for each loan to a plurality of leading laws and to the general loan information to detect one or more variances there between, each variance having a certain degree (see Broadbent, figure 5, item 523); and*

*Scoring each variance based upon the degree thereof, whereby knowledge of the predatory lending laws on behalf of a user of the system is not required (see Broadbent, figure 5, item 550)*

**Re claim 30:** Broadbent discloses:

*The processing means comprising means for comparing the loan information for each loan to one or more of the predatory lending laws applicable (see Broadbent, figure 5, item 523, specifically item 531, 533, 541, 535 & 539) to the loan and to the general loan information to detect one or more variances there between, each variance having a certain degree, and mean*

Art Unit: 3693

*for scoring each variance based upon the degree thereof to determine a risk category for each loan based on the sum of the scores for each detected variance associated therewith (see Broadbent, figure 5, item 550 and figure 4B, item 437, 438 & 440).*

**Re claim 31:** Broadbent discloses:

*Notifying a user of the system when one or more variances are detected (for fraud) (see Broadbent, figure 4B, item 238)*

**Re claim 32:** Broadbent discloses:

*Means for determining one or more steps needed to resolve each detected variance, and wherein the notification means further comprises notifying the user of each detected variance and the one or more steps needed to resolve it (see Broadbent, figure 4B, item 440).*

**Re claim 33:** Broadbent discloses:

*Means for tracking the status of each detected variance associated with each loan (see Broadbent, figure 4B, item 440)*

**Re claim 34:** Broadbent discloses:

*Predatory lending laws include at least one of a city, county and state law (see Broadbent, figure 5, item 531)*

*The loan information includes a city, county and state in which each loan is to be closed, and the processing means further comprises:*

*Means for identifying the city, county and state associated with each loan (see Broadbent, figure 5, item 501), and*

*Means for applying the predatory lending laws of the identified city, county and state to the loan information for each loan (see Broadbent, figure 5, item 531)*

**Re claim 35:** Broadbent discloses:

*Processing means further comprises means for detecting fraud in connection with the loan based on the detected variances (see Broadbent, figure 5, item 523)*

**Re claim 36:** Broadbent discloses:

*System is web-enabled*

*(see Broadbent, figure 5 "xml")*

### ***Response to Arguments***

Applicant's arguments filed 8/22/07 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1<sup>st</sup>: Broadbent fails to disclose "scoring each variance"

The Examiner refutes the argument made by the Applicant and draws the attention to Broadbent Column 17 , line 63-66 – "legal context 523 files to determine wither the loan originator can originate this loan for the property". It is clear from this description that the legal context module 523 is used and compared to the loan information in order to "determine" While the applicant may be correct that the words "scoring" or "variance" are not used it is clear from the description that the loan is compared to the legal context to determine if it meet the threshold.

Applicants argued 2<sup>nd</sup>, Broadbent does not inherently disclose the scoring feature.

The Examiner refutes the argument made by the Applicant and draws the attention to the above arguments. While the applicant may be correct that the specific words "scoring" or "variance" are it is clear from the description that the loan is compared to the legal context to determine if it meet the threshold and therefore inherent that there is a scoring feature.


### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
ELLA COLBERT  
PRIMARY EXAMINER